

REMARKS

This Response is submitted in response to an Office Action (Final Rejection) dated November 12, 2008. The application was unintentionally abandoned and this response is submitted with a Petition for revival of an application for patent abandoned unintentionally under 37 C.F.R. § 1.137(b), Petition fee; a Request for Continued Examination (RCE); RCE fee; Petition for extension of time (3 months); and extension of time fee. In the event that the Commissioner determines that a further extension of time or fee is due, the undersigned hereby petitions for such extension and authorizes the Examiner to charge the Milbank deposit account 13-3250 for any required fee.

In the course of prosecution, it was determined that Lestan D'Souza is an inventor of the claimed subject matter of this application. A Declaration for Utility Patent Application, executed by Mr. D'Souza, and a Power of Attorney are enclosed herewith. Please add Mr. D'Souza as an inventor and update the filing receipt to reflect the change.

I. Status of the Claims

Please cancel claims 11 and 22 without prejudice and amend claims 1, 8, 9, 10, 12, 13, 21, 23 and 24 as indicated above. Claims 14-20 are withdrawn from consideration. Claims 1, 8, 9, 10, 12, 13, 21, 23 and 24 are now pending in the application. Claims 1, 10, 12, 21, 23 and 24 are independent claims.

II. Rejections under 35 U.S.C. § 101

The Examiner has rejected claims 10, 11, 12, 22 and 23 as directed to non-statutory subject matter. Claims 11 and 22 are cancelled without prejudice. The Federal Circuit recently issued a decision in *Bilski* and Applicant has amended the claims in view of that decision. Applicant respectfully submits that the claims are directed to statutory subject matter

under § 101. Withdrawal of the § 101 rejection is requested.

III. Rejections under 35 U.S.C. § 102

The Examiner has rejected claims 1, 8-13, and 21-24 under 35 U.S.C. § 102(b) as anticipated by *Rodrigues* (6,067,639). Applicant has previously explained why *Rodrigues* does not disclose or suggest all of the claim limitations. In the present Office Action, the Examiner appears to take the position that because the claims language is phrased as “configured to ...” the language does not necessarily impart a limitation, and for that reason, *Rodrigues* anticipates the claims. Applicant submits that as originally phrased those “configured to ...” features were express limitations of the claims. Applicant also respectfully submits that *Rodrigues* does not disclose all of the claimed “configured to ...” features. But, in the interest of advancing the claims to allowance Applicant has amended the claims to remove the term “configured”.

Withdrawal of the § 102 rejection is requested.

IV. Request for Reconsideration and Allowance

Applicant respectfully submits that the claims of this application are in condition for allowance. Accordingly, allowance is requested. If a conference would assist in placing this application in better condition for allowance, the undersigned would appreciate a telephone call at the number indicated.

Respectfully submitted,
Milbank, Tweed, Hadley & McCloy LLP



Chris L. Holm
Reg. No.: 39,227

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Milbank Tweed Hadley & McCloy LLP
1 Chase Manhattan Plaza
New York, NY 10005
(212) 530-5000 / (212) 530-5219 (facsimile)